STATE OF NEW YORK

8577

IN ASSEMBLY

January 12, 2024

Introduced by M. of A. REYES -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to local enforcement of violations of the state minimum wage in a city with a population of one million or more

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "protection and oversight of worker enforcement rights (POWER) act".

§ 2. The labor law is amended by adding a new section 219-b to read as follows:

§ 219-b. Local enforcement authority. 1. As used in this section, "fiscal officer" means the comptroller of the city of New York.

2. The fiscal officer may enforce and investigate violations of the state minimum wage, and the following provisions of the labor law: subdivision nine of section twenty-seven-d of this chapter and subdivision one of section two hundred fifteen of this article; sections one hundred sixty-seven, one hundred seventy, one hundred ninety-one through one hundred ninety-three, one hundred ninety-six-d, one hundred ninety-eight-b, and one hundred ninety-eight-e of this chapter; sections two hundred eighteen, two hundred nineteen, and two hundred nineteen-c of this article; articles nineteen, nineteen-D, twenty-C, twenty-one-A, twenty-five-B and twenty-five-C of this chapter; and any regulations and wage orders promulgated in implementing such articles or provisions. The fiscal officer shall further be authorized to enforce and investigate violations of any other local law, ordinance, or regulation requiring payment of a minimum wage or compensation, or establishing a labor standard for work performed within the city's geographic boundaries; provided, however, that the fiscal officer shall not enforce those local labor standards that the commissioner of consumer and worker protection of such city or any successor to such office is charged with enforcing, unless such enforcement authority is otherwise provided by local law or the labor standard relates to the regulation of financially assisted workplaces or the procurement of goods, services or office space by the

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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city or a city economic development entity. To effectuate enforcement of the provisions set forth in this section, the fiscal officer shall be empowered with the same authority as the commissioner as set forth in: subdivisions one, two, eight, nine, ten, and eleven of section twenty-one of this chapter; and sections twenty-five, twenty-six, thirty-one, thirty-eight, and thirty-nine of this chapter, including but not limited to the right to inspect premises, issue subpoenas, administer oaths, examine witnesses, take affidavits, and inspect books, papers, and records. The fiscal officer shall be empowered to adopt further enforcement provisions, remedies, penalties, and other implementing regulations consistent with this section. Provided, however, that nothing in this section shall limit the authority or obligation of the department or any other government agency to enforce any provision of this chapter or any other law requiring payment of a minimum wage or compensation or establishing a labor standard within the geographic boundaries of a city with a population of one million or more or elsewhere.

§ 3. This act shall take effect immediately.